

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DERRICK HARGRESS,	)	CASE NO.	C05-1338-JCC
	)		CR88-116-JCC
Petitioner,	)		
	)	ORDER DISMISSING ONE CLAIM	
v.	)	AND TRANSFERRING	
	)	PETITIONER'S SUCCESSIVE §2255	
UNITED STATES OF AMERICA,	)	MOTION TO THE NINTH CIRCUIT	
	)	COURT OF APPEALS	
Respondent.	)		

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, respondent's answer, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, Petitioner Hargress's objections<sup>1</sup> thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's claim regarding good time credits is DISMISSED for failure to exhaust

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<sup>1</sup>Petitioner's objections conceded that the Report & Recommendation ("R&R") was correct to recommend dismissal of his claim regarding good time credits. Furthermore, he requested leave to proceed in the Ninth Circuit, in line with the R&R's recommendation that his first claim be transferred to the Ninth Circuit. Finally, his objections also appear to contain objections to Magistrate Judge Theiler's order denying his motion to appoint counsel. These objections are not timely.

ORDER DISMISSING ONE CLAIM AND TRANSFERRING  
PETITIONER'S SUCCESSIVE §2255 MOTION TO THE  
NINTH CIRCUIT COURT OF APPEALS

